

§ 90-157.4. Civil penalty; disciplinary costs.

(a) The Board may assess a civil penalty not to exceed five hundred dollars (\$500.00) for the violation of any section of this Article or any rule adopted by the Board. If a licensee is found responsible for multiple violations in the same disciplinary actions, the maximum cumulative fine assessed shall not exceed one thousand dollars (\$1,000). The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) The Board shall consider the following factors before imposing or assessing a civil penalty under this section:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) The Board shall establish a schedule of civil penalties for violations of this Article and rules adopted by the Board.

(d) If a licensee is found to have violated any provisions of this Article or any rule adopted by the Board, the Board may charge the costs of a disciplinary proceeding, including reasonable attorneys' fees, to that licensee.

(e) If the Board imposes a civil penalty under this section, the party against whom the civil penalty has been assessed may file a petition for judicial review under Article 4 of Chapter 150B of the General Statutes. (2021-120, s. 1(b).)